

U.S.S.N.: 10/604,566

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REMARKS

In the Final Action, the Burns patent (U.S. No. 3,734,110) was relied on for disclosing the legs adjacent to the pillar members when the telescoping roof rack assembly is moved to the retracted position. However, even if the Burns patent were combined with the Boudah patent (U.S. No. 5,143,415) as proposed by the Examiner, this combination would still not teach or suggest the claimed legs. In particular, with attention to the Boudah patent (Figure 2 – Bottom Figure), the proposed combination would include stanchion 11 and upright member 10 attached to opposite ends of tube 17. For this reason, when the proposed combination is moved to its retracted position, the stanchion 11 and upright member 10 would be offset from each other by at least one length of the tube 17 and therefore would not be adjacent to each other. Moreover, the proposed combination would omit the claimed second pair of support rails. Also, in this regard, the rear stanchion 11 would not be adjacent to the cab but rather offset from the passenger cab by at least one length of tube 17.

Regarding claim 22, the Examiner relied on the Boudah patent (Figure 2 – Bottom Figure) and pointed to insert 18 for disclosing the second pair of support rails retracted substantially within the first pair of support rails. The claimed second pair is attached to pillar members that are attached to the sidewalls of the truck bed. However, in the Boudah patent (Figure 2 – Bottom Figure), inserts 18 are not attached to stanchions 11 but rather are attached to horizontal tubes 17. In this regard, insert 18 is substantially different than the claimed second pair and cannot be relied on for teaching the same.

With respect to claim 27, it was stated that the Boudah patent discloses the first pair of support rails extending substantially along the length of the roof. Applicant respectfully disagrees as the Boudah patent discloses a rack extending along the length of a truck bed instead of the roof. None of the cited art, whether taken individually or in any permissible combination, discloses the first pair of support rails extending along the length of the roof.

In the Action, the Burns patent was relied on for disclosing the telescoping roof rack assembly with the second pair of support rails extending along the length of the roof. However, Applicant respectfully disagrees as neither the Burns patent nor any other cited art discloses this claim limitation.

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The Burns patent was cited for disclosing the second pair of rails above the roof over a passenger cab. However, inspection of the Burns patent and all other cited art establishes that no such disclosure was made.

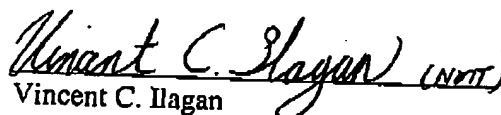
The Examiner relied on the Boudah patent and cited tubes 17 for disclosing the second pair of support rails extending substantially along the length of the truck bed when the telescoping roof rack assembly is moved to the extended position. However, in the Boudah patent, each tube 17 extends along a substantially short fraction of the length of the truck bed and therefore cannot be relied on for teaching the second pair of support rails.

In rejecting claim 41, it was stated that the Burns patent discloses the roof having a front portion and a rear portion, with a roof rack portion attached to and extending along the front portion and the rear portion. However, in the Burns patent, the rack therein is attached only to a rear portion of the roof and extends across only the same. In other words, in the Burns patent, the rack is neither attached to nor extending across the front portion of the roof. For this reason, the Burns rack is substantially different than the claimed invention.

Conclusion:

In view of the foregoing, it is submitted that all of the claims remaining in the case, namely claims 21-33 and 35-47 are in proper form and patentably distinguish from the prior art. Accordingly, allowance of the claims and passage of the application to issuance are respectfully solicited.

Respectfully submitted,
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